

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FAREPORTAL INC. D/B/A CHEAPOAIR,

Plaintiff,

-against-

OPINION CORP. D/B/A PISSEDCONSUMER,

Defendant.  
-----X

08 CIV

AFFIRMATION  
OF  
TEDD KESSLER  
(Supplemental)

Tedd Kessler, an attorney duly admitted to the courts of the State of New York, and the United States District Court for the Southern District of New York, affirms, under penalty of perjury, as follows:

1. I am the attorney for the plaintiff herein and am fully familiar with the facts and circumstances surrounding this matter.

2. I submit this supplemental affirmation in support of plaintiff's application seeking a temporary restraining order and a preliminary injunction.

3. On July 1, 2008 I provided defendant OPINION CORP. D/B/A PISSEDCONSUMER with notice that a hearing would be conducted on plaintiff's application for a temporary restraining at the United States District Court for the Southern District of New York at 500 Pearl St, New York, New York on July 2, 2008 at 2:30 p.m. by e-mail through its website. A copy of said notice is attached hereto as exhibit "A". Your affirmant is unable to find any telephone number for the defendant.

4. Additionally, attached hereto as exhibit "B" is the affidavit of service of Kelly Almonte wherein she states that she sent two copies of Plaintiff's Order to Show Cause, Memorandum of Law in support of said application, Declaration of Harsh Sood and Declaration of Ilya Zherebetskiy to defendant OPINION CORP. D/B/A PISSEDCONSUMER by Federal Express, overnight mail. One of the addresses used was obtained from the pissedconsumer webpage: Opinion Corp DBA PissedConsumer.com, Media Relations, 1673 East 16 Street, Brooklyn, NY 11229. The other address is registered with the New York Department of State, Division of Corporations, as the address to which the Department of State will mail process if accepted on behalf of the entity. Attached hereto as exhibit "C" is a printout from the Department of State website which reveals that the address for service of process is Opinion Corp., 815 Gravesend Neck Road, Suite Number 6-R, Brooklyn, NY 11223.

6. Finally, attached hereto as exhibit "D" is the affidavit of Sze Wong Tsui, a process server duly licensed by the State of New York. Mr. Tsui states that on July 1, 2008 he served the defendant OPINION CORP. D/B/A PISSEDCONSUMER at 1673 East 16 Street, Brooklyn, NY 11229 by delivering the papers to a "John Doe" who is described in the affidavit of service. Additionally, Mr. Tsui attempted service on defendant OPINION CORP. D/B/A PISSEDCONSUMER at 815 Gravesend Neck Road, Suite Number 6-R, Brooklyn, NY 11223 on July 1, 2008 at approximately 1:30 p.m. and 9:30 p.m. but was unable to find anyone and affixed the papers to the place of business and mailed a copy of the papers to the defendant at said address.

WHEREFORE, it is respectfully requested that this Court issue a temporary restraining order and preliminary injunction.

Dated: New York, New York  
July 2, 2008

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Tedd Kessler

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Media Relations

1673 East 16 Street, PMB 85

Brooklyn, NY 11229

United States

Send an e-mail to this Contact:

Enter your name:

Tedd Kessler 212-477-3200

E-mail address:

tkessler.att@prodigy.net

Message subject:

Hearing 7-2-08 2:30 see letter below

Enter your message:

 Law Office of Tedd Kessler, P.C.  
 Counselors at Law  
 302 Fifth Avenue  
 8th Floor  
 New York, New York 10001

 (212) 477-3200  
 Facsimile (212) 388-1714
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8th Floor  
New York, New York 10001

(212) 477-3200  
Facsimile (212) 388-1714  
e-mail:tkessler.att@prodigy.net

July 1, 2008

Opinion Corp.  
d/b/a pissedconsumer.com  
815 Gravesend Neck Road  
Suite #6R  
Brooklyn, New York 11223

Re: Fareportal Inc. v. Opinion Corp.  
Index No. 08-Civ-5964(DOC)(REL)

To Whom it May Concern:

Please be advised that a temporary restraining order hearing has been scheduled for tomorrow, July 2, 2008 at 2:30 p.m. at the United States District Court, Southern District of New York, 500 Pearl Street, Courtroom 11B, New York, New York before Honorable Denise Cote.

A copy of the Complaint and all papers in support of plaintiff's application seeking a temporary restraining order and preliminary injunction are being sent overnight mail for morning delivery. Process will also be effected today.

Please have your attorney or representative appear at the aforementioned time and location.

Very truly yours,

Tedd Kessler

STATE OF NEW YORK       )  
                                      ) ss.:  
COUNTY OF NEW YORK )

Kelly Almonte, being duly sworn, deposes and says:

I am not a party to this action, am over 21 years of age and reside at Bronx, New York.

On July 1, 2008 affiant served the within

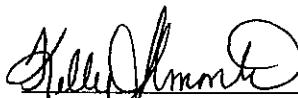
**Plaintiffs' Order to Show Cause for a Preliminary Injunction,  
Memorandum of Law in Support of Plaintiffs' Order to Show Cause for a Preliminary Injunction,  
Declaration of Harsh Sood &  
Declaration of Ilya Zhrebetskiy**

by delivering the same via Federal Express, Priority Overnight mail in a sealed envelope, addressed to the last known address of the addressee(s) as indicated below:

To:

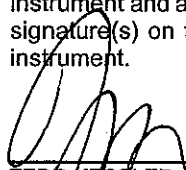
Opinion Corp.  
1673 East 16<sup>th</sup> Street  
Brooklyn, New York 11229  
Tracking No. 8585 5842 3969

Opinion Corp.  
815 Gravesend Neck Road Suite 6R  
Brooklyn, New York 11223  
Tracking No. 8585 5842 3970

  
\_\_\_\_\_  
Kelly Almonte

State of New York       )  
                                      ) ss.:  
County of New York     )

On this 1<sup>st</sup> day of July 2008 before me, the undersigned, personally appeared **Kelly Almonte**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
**TED KESSLER**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 31-5010681  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES MAY 31, 2011



# NYS Department of State

## Division of Corporations

### Entity Information

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Selected Entity Name: OPINION CORP.

#### Selected Entity Status Information

**Current Entity Name:** OPINION CORP.

**Initial DOS Filing Date:** DECEMBER 11, 2006

**County:** KINGS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

OPINION CORP.

815 GRAVESEND NECK ROAD

SUITE #6-R

BROOKLYN, NEW YORK, 11223

#### Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

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Affidavit of Service

Fareportal Inc. D/B/A Cheapair,

Plaintiff,

Civil Action #: 08-Civ-5964(DOC)(REL)

-against-

Opinion Corp. D/B/A Pissedconsumer,

Defendant.

STATE OF NEW YORK: COUNTY OF New York: ss:

Sze Wong Tsui, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 1, 2008 2008 at 1:30pm at 1673 E 16th Brooklyn, NY 11229  
deponent served the within Plaintiffs' Order to Show Cause for a Preliminary Injunction, Memorandum of Law in Support of  
Plaintiffs' Order to Show Cause for a Preliminary Injunction, Declaration of Harsh Sood Declaration of Ilya Zhrebetskiy

on OPINION CORP therein named

INDIVIDUAL

1 ☐

By personally delivering and leaving with said a true copy thereof, and that he knew the person so served to be the person mentioned and described in said

CORPORATION

2 ☒

☐ Defendant was identified by self admission and by the photograph furnished.

SUITABLE  
AGE PERSON

3 ☒

By delivering and leaving with John Doe at 1673 E 16th St Brooklyn, N.Y., and that he knew the person so served to be the authorized agent of the corporation, and said person stated that he was authorized to accept service on behalf of the corporation.

AFFIXING TO  
DOOR, ETC.

4 ☐

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:

By delivering a true copy thereof and leaving with John Doe she/he was person of suitable age and discretion at 1673 E 16th Brooklyn, NY 11229 the said premises being the defendants-respondent place of business within the State of New York.

MAILING  
Use with 3 or 4

5 ☒

By affixing a true copy thereof to the door of said premises, the same being the defendant's (dwelling place) (usual place of abode) (place of business) within the State of New York.

PREVIOUS  
ATTEMPTS  
Use with 4

6 ☐

Deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_, a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York, on \_\_\_\_\_.

Deponent had previously attempted to serve the above named defendant/respondent.  
A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANT OR PERSON SPOKEN TO CONFIRMING NON MILITARY STATUS OF DEFENDANT IS AS FOLLOWS:  
Approximate age 30-40 Approximate weight 200-250 Approximate Height 5'7"-6' Sex M  
Color of skin White Color of Hair Brun eyes Brun Other

☐ Spoke with \_\_\_\_\_ who confirmed non-military status of defendant. Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this 2nd day of July, 2008  
Tedd Kessler  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02KE5010681  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 5/31/11  
NOTARY PUBLIC

L#0951371

Affidavit of Service

Fareportal Inc. D/B/A Cheapoair,

Plaintiff,

Civil Action #: 08-Civ-5964(DOC)(REL)

-against-

Opinion Corp. D/B/A Pissedconsumer,

Defendant.

STATE OF NEW YORK: COUNTY OF New York: ss:

Sze Wong Tsui, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 1, 2008 at 1:00 PM at 9:30 PM at 815 GRAYESND NECK Road S<sup>th</sup> 6R Brooklyn NY  
deponent served the within Plaintiffs' Order to Show Cause for a Preliminary Injunction, Memorandum of Law in Support of  
Plaintiffs' Order to Show Cause for a Preliminary Injunction, Declaration of Harsh Sood Declaration of Ilya Zhrebetskiy

on OPINION CORP . therein named

INDIVIDUAL

1 ☐

By personally delivering and leaving with said a true copy thereof, and that he knew the person so served to be the person mentioned and described in said

CORPORATION

2 ☒

☐ Defendant was identified by self admission and by the photograph furnished.

SUITABLE  
AGE PERSON

3 ☐

By delivering and leaving with \_\_\_\_\_ at \_\_\_\_\_, N.Y., and that he knew the person so served to be the authorized agent of the corporation, and said person stated that he was authorized to accept service on behalf of the corporation.

AFFIXING TO  
DOOR, ETC.

4 ☒

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:

By delivering a true copy thereof and leaving with \_\_\_\_\_ she/he was person of suitable age and discretion at \_\_\_\_\_

MAILING  
Use with 3 or 4

5 ☒

the said premises being the defendants-respondent place of business within the State of New York.

By affixing a true copy thereof to the door of said premises, the same being the defendant's (dwelling place) (usual place of abode) (place of business) within the State of New York. July 1 2008 9:30 pm

PREVIOUS  
ATTEMPTS  
Use with 4

6 ☐

Deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_, a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York, on \_\_\_\_\_.

Deponent had previously attempted to serve the above named defendant/respondent.  
A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANT OR PERSON SPOKEN TO CONFIRMING NON MILITARY STATUS OF DEFENDANT IS AS FOLLOWS:  
Approximate age \_\_\_\_\_ Approximate weight \_\_\_\_\_ Approximate Height \_\_\_\_\_ Sex \_\_\_\_\_  
Color of skin \_\_\_\_\_ Color of Hair \_\_\_\_\_ eyes \_\_\_\_\_ Other \_\_\_\_\_

☐ Spoke with \_\_\_\_\_ who confirmed non-military status of defendant. Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this 2<sup>nd</sup> day of July, 2008

TEDD KESSLER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02KE5010681  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 7/31/11

TEDD KESSLER  
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COMMISSION EXPIRES 7/31/11